

ranging from 30:70 to 70:30" (emphasis added). Rodelet does not disclose or suggest such a perfume composition.

As indicated above, claim 1 requires a mixture of polydimethylsiloxanes including hexamethyldisiloxane and octamethyltrisiloxane in a weight ratio of from 30:70 to 70:30. The Office Action relies on Rodelet for its disclosure of compositions including fragrant materials and linear methyl siloxanes. See Office Action, page 2; Rodelet, column 2, lines 1 to 19. Rodelet discloses compositions including, for example, a fragranting base and hexamethyldisiloxane (Examples 1 and 4) or octamethyltrisiloxane (Example 6). See Rodelet, column 3, line 53 to column 4, line 30. However, Rodelet fails to disclose a composition including both hexamethyldisiloxane and octamethyltrisiloxane, much less a composition including hexamethyldisiloxane and octamethyltrisiloxane in the particular range of weight ratios recited in claim 1. That is, Rodelet fails to disclose or suggest the specific features recited in claim 1.

The Office Action asserts that, because Rodelet separately discloses compositions including hexamethyldisiloxane and compositions including octamethyltrisiloxane, it would have been obvious to use a combination of hexamethyldisiloxane and octamethyltrisiloxane in any weight ratio. As is well-settled, a particular parameter must first be recognized as a result-effective variable before the determination of workable ranges can be said to be an obvious variation. See, e.g., MPEP §2144.05.II.B (citing *In re Antonie*, 195 U.S.P.Q. 6 (C.C.P.A. 1977)). The Office Action fails to identify, in any cited reference, recognition that the weight ratio of hexamethyldisiloxane to octamethyltrisiloxane is a result-effective variable. Absent such recognition, one of ordinary skill in the art would not have had a reasonable expectation of success upon selecting hexamethyldisiloxane and octamethyltrisiloxane from among the components of Rodelet, and then manipulating the

weight ratio of such components – one of ordinary skill in the art would not have been motivated to optimize those variables, as asserted by the Office Action.

As Rodelet fails to disclose or suggest a perfume composition including a mixture of hexamethyldisiloxane and octamethyltrisiloxane in a weight ratio of from 30:70 to 70:30, Rodelet fails to disclose or suggest each and every feature of claim 1.

For the reasons discussed above, a *prima facie* case of obviousness has not been made. However, even if a *prima facie* case were made, such case is rebutted by the results shown in the present specification – "[a] *prima facie* case of obviousness ... is rebuttable by proof that the claimed compounds possess unexpectedly advantageous or superior properties." See MPEP §2144.09 (citing *In re Papesch*, 315 F.2d 381 (C.C.P.A. 1963)). The Examples of the present specification demonstrate that mixtures of silicones as recited in claim 1 make it possible to obtain compositions having a flash point greater than 0°C and a volatility at least equal to 4 mg/cm²/min, unlike mixtures of silicones outside the scope of claim 1. See, e.g., present specification, page 9, Table. These results are objective evidence of the improvements of the compositions of claim 1 over known compositions as in Rodelet, and thus these results rebut any suggestion that it would have been obvious to modify the compositions of Rodelet as proposed in the Office Action.

As explained, claim 1 would not have been rendered obvious by Rodelet. Claims 2-6 and 8-16 depend from claim 1 and, thus, also would not have been rendered obvious by Rodelet. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Rodelet and Krzysik

The Office Action rejects claims 7 and 17-20 under 35 U.S.C. §103(a) over Rodelet in view of U.S. Patent No. 5,160,494 to Krzysik et al. ("Krzysik"). Applicant respectfully traverses the rejection.

For the reasons discussed above, Rodelet does not disclose or suggest each and every feature of claim 1. Krzysik does not remedy the deficiencies of Rodelet. Krzysik is cited for its alleged disclosure of aerosol delivery of perfume compositions. *See* Office Action, page 3. However, Krzysik, like Rodelet fails to disclose or suggest a perfume composition including a mixture of hexamethyldisiloxane and octamethyltrisiloxane in a weight ratio of from 30:70 to 70:30. Accordingly, the combination of references fails to disclose or suggest each and every feature of claim 1.

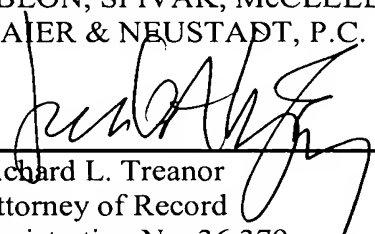
As explained, claim 1 would not have been rendered obvious by Rodelet and Krzysik. Claims 7 and 17-20 depend from claim 1 and, thus, also would not have been rendered obvious by Rodelet and Krzysik. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For the foregoing reasons, Applicant submits that claims 1-20 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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